

**11876. Adulteration of butter. U. S. v. 269 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed.** (F. & D. No. 17651. I. S. No. 501-v. S. No. E-4447.)

On July 16, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 269 tubs of butter, remaining unsold in the original unbroken packages at New York, N. Y., consigned by Pelstring-Erickson Creamery Co., from Canby, Minn., alleging that the article had been shipped from Canby, Minn., on or about June 29, 1923, and transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, butterfat, had been in whole or in part abstracted.

On August 15, 1923, the Pelstring-Erickson Creameries, Inc., Luverne, Minn., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$7,000, in conformity with section 10 of the act, conditioned in part that it be delivered to the factory to be reworked and reprocessed to the satisfaction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11877. Adulteration of butter. U. S. v. 127 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed.** (F. & D. No. 17652. I. S. No. 372-v. S. No. E-4448.)

On July 16, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 127 tubs of butter, remaining unsold in the original unbroken packages at New York, N. Y., consigned by Hanska & Linden, from Hanska, Minn., alleging that the article had been shipped from Hanska, Minn., on or about June 19, 1923, and transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, butterfat, had been in whole or in part abstracted.

On August 7, 1923, the Minnesota Cooperative Creameries Assoc., Inc., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,048, in conformity with section 10 of the act, conditioned in part that it be shipped to the factory and reworked and reprocessed to the satisfaction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11878. Adulteration of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17656. I. S. No. 508-v. S. No. E-4454.)

On July 17, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 tubs of butter at Jersey City, N. J., alleging that the article had been shipped by the Equity Cooperative Creamery Assoc., Wadena, Minn., on or about July 2, 1923, and transported from the State of Minnesota into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

On September 27, 1923, the Great Atlantic & Pacific Tea Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be shipped to the factory and reworked and reprocessed under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11879. Adulteration and misbranding of lutein tablets. U. S. v. 5 Tubes of Lutein Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17674. I. S. No. 1785-v. S. No. E-4461.)**

On August 6, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 5 tubes, more or less, of so-called lutein tablets, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Morgenstern & Co., from New York, N. Y., on or about April 30, 1923, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets consisted essentially of potato starch, licorice root, and celery seed, with little or no *corpus luteum* or other animal tissue.

Adulteration of the article was alleged in the libel for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that it was sold as a product containing 5 grains of lutein (*corpus luteum*), whereas, in truth and in fact, it contained not more than a trace of, if any, *corpus luteum*.

Misbranding of the article was alleged for the reason that the package containing the article bore statements regarding the said article and the ingredients and substances contained therein, as follows, "5 Gr. Lutein (Corpus Luteum) Tablets H. W. & D. \* \* \* Baltimore Each tablet represents approximately twenty grains of fully developed *corpora lutea*," which were false and misleading, in that the said statements represented that the said article contained 5 grains of lutein (*corpus luteum*) and that each tablet represented approximately 20 grains of fully developed *corpora lutea*, whereas, in truth and in fact, the said article did not contain 5 grains of lutein (*corpus luteum*) and each tablet did not represent approximately 20 grains of fully developed *corpora lutea*, since the article contained not more than a trace of, if any, *corpus luteum*. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the name of another article, to wit, genuine lutein (*corpus luteum*) tablets.

On September 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11880. Misbranding of Garren's blood purifier and tonic. U. S. v. 58½ Dozen Bottles, et al., of Garren's Blood Purifier and Tonic. Decrees entered providing for release of product under bond. (F. & D. Nos. 14789, 14790, 14791, 14792, 14793. S. Nos. E-3318, E-3321.)**

On April 18, 1921, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and subsequently amended libels, praying the seizure and condemnation of 188½ dozen bottles of Garren's blood purifier and tonic, remaining in the original unbroken packages, in part at Jacksonville and in part at Tampa, Fla., consigned in part by the Garren Medicine Co., from Hendersonville, N. C., and in part by the Asheville Medicine Co., from Asheville, N. C., alleging that the article had been shipped in various consignments, namely, on or about February 7,